

to understand the hoops they have to go through. One hoop that they supposedly wouldn't have to go through is proving the degree of the incidental underground storage, in other words, proving that the surface water district caused the underground water to store up. The suggestion is that if it is a one-time fee you don't have to prove that. But I suggest to you that any court of law, regardless of what the Legislature says, is going to require them to prove the basic fact that the underground water is there because of the surface water district. So I don't think that the perceived benefits of the one-time fee are really there. But the perceived cost of the one-time fee could be horrendous. I'm fearful that we are getting ourselves in a situation, in the future 20 years down the line, when someone is going to say, oh, I'm paying 50 cents per acre per year over here in my district for this underground water, and some place else, in another part of the state, maybe not so far away, they are saying, well, we made a deal on a one-time basis, we pay 50 cents and that is it forever. What we are doing, I think, is encouraging some districts that are hard up for short-term cash, we are encouraging them to enter into agreements which are not going to be fair to the surface water users in the district, or to groundwater users in other areas of the state who may well be paying an annual fee. I don't think that the people who are running the McConaughy project, for example, Don Long and that group, they are not going to enter into any one-time fee thing.

SPEAKER NICHOL: One minute.

SENATOR BEUTLER: They will enter into an annual fee basis. I think that is the way it should be with everybody, everybody in the state, regardless of how easy or difficult it may be to prove the benefit. I think you should have to prove the benefit. Once the benefit is approved then there should be an annual fee so long as the benefit continues. I hope I haven't confused you too much. I would ask for the adoption...that the bill be returned for amendment, Mr. Speaker.

SPEAKER NICHOL: Senator Vickers, then Senator Schmit, then Senator Haberman.

SENATOR VICKERS: Mr. President, members, I rise to oppose the Beutler amendment. Let me point out to you that Senator